IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CRIMINAL NO. 3:15-CR-272-RJC-DSC

UNITED STATES OF AMERICA,)	
)	
)	
v.)	<u>ORDER</u>
FARSHIEN BAGHALZADEH,)	
Defendant.)	
PETITION OF M. HASSAN		
BAGHALZADEH)	

THIS MATTER is before the Court on "Petitioner M. Hassan Baghalzadeh's Motion for Appointment of Guardian Ad Litem" (document # 51).

Petitioner's wife and purported "Attorney-in Fact/Power of Attorney" requests that this Court appoint a guardian to "protect the interests" of Petitioner in this forfeiture proceeding. She cites to Federal Rule of Civil Procedure 17(c)(2) and a doctor's note in support of her request.

Rule 17(c)(2) is a rule of civil procedure related to the appointment of guardians in actions brought by minors or incompetent persons. This is a criminal forfeiture proceeding governed by Federal Rule of Criminal Procedure 32.2. Although Rule 32.2(c) on ancillary proceedings provides that the Court may allow the parties to conduct discovery and engage in summary judgment motions practice in accordance with the Rules of Civil Procedure, it does not incorporate any other provisions of the Rules of Civil Procedure. Rule 32.2(c) does not incorporate Rule 17 related to

guardians. Therefore, the Court finds that there is no legal authority for appointment of a guardian ad litem in this matter and DENIES the Motion.

The Court recognizes that the Government may seek more information regarding Petitioner's medical condition and therefore directs Petitioner to execute releases to his medical providers giving the Government access to relevant medical records.

The Clerk is directed to send copies of this Order to counsel for the parties, the Petitioner, and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: January 3, 2018

David S. Cayer

United States Magistrate Judge